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X. Cobly  
12/5/03

## DECLARATION OF DAVID MELROSE

The undersigned, David Melrose, declares the following:

1. I am the inventor of the invention disclosed in patent application entitled A Container Having A Pressure Responsive Panels, Serial No. 09/689,957.
2. I have worked extensively in the field of hot-fill bottles and am familiar with the problems of the industry and the manufacturing techniques of these bottles. I am further familiar with the types of physical distortion or flexing that various types of panels and bottle structures experience under an increase in pressure. In particular, I am familiar with the panel and bottle types disclosed in Brown, Provent and Krishnakunar, including those having double convex panels.
3. I am familiar with Finite Element Analysis (FEA), a computer program for analyzing and tracking wall movement of a bottle during pressure changes. FEA is routinely used by bottle manufacturing companies as it allows a manufacturing company to determine the success of a proposed package and its comparability to other bottles packages.
4. FEA analysis was performed on bottles in accordance with the Brown, Provent and Krishnakunar disclosures. FEA analysis reveals that the Brown bottle would be incapable of operating in a manner disclosed and claimed in the Melrose application. In particular, the panels of the bottles of these disclosures are incapable of progressively inverting upon an increase in pressure. No commercialization of the Brown bottle has been found.
5. FEA analysis was performed on bottles in accordance with the Vaillencourt disclosure. FEA analysis reveals that the connecting portions and islands of the

Vaillencourt bottle do not reverse in curvature as any substantial flexing would defeat the structural purpose of the islands which is to provide support for the labels. Indeed, it is well recognized in the industry that these elements are not intended to flex inwardly by design. No commercialization of the Vaillencourt bottle has been found.

The undersigned, David Melrose, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that I am properly authorized to execute this application on behalf of the applicant; and that all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

Dated: 20 August 2003 By: AnneMarie  
Name: David Melrose